

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Donald Freeman

COMPLAINT

(Enter above the full name of the plaintiff in this action)

v.

Civil Action No. 18-7802-BRM-TJB

McDonald, Kevin, M.D.
Monmouth County medical
Provider

(To be supplied by the Clerk of the Court)

(Enter the full name of the defendant or defendants in this action)

RECEIVED
APR 16 2018
AT 8:30
WILLIAM T. WALSH M
CLERK

INSTRUCTIONS; READ CAREFULLY

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$400.00 (a filing fee of \$350.00, and an administrative fee of \$50.00), your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

6. If you cannot prepay the \$400.00 fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth in the application to proceed in forma pauperis. See 28 U.S.C. §1915. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

7. If you are given permission to proceed in forma pauperis, the \$50.00 Administrative Fee will not be assessed. The Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1a. Jurisdiction is asserted pursuant to (CHECK ONE)

42 U.S.C. §1983 (applies to state prisoners)
 Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

1b. Indicate whether you are a prisoner or other confined person as follows:

Pretrial detainee
 Civilly-committed detainee
 Immigration detainee
 Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner
 Other: (please explain) _____

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

a. Parties to previous lawsuit:

Plaintiff(s): Donell Freeman

Defendant(s): Matthew

b. Court and docket number: 3:17-cv-01931 BRM-TJB

c. Grounds for dismissal: frivolous malicious

TEMPORARY CLOSED, failure to state a claim upon which relief may be granted

d. Approximate date of filing lawsuit: 4-2016 APPROXIMATELY

e. Approximate date of disposition: 06-06-2017

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets. NO

3. Place of Present Confinement? Southwood State Prison

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional Plaintiffs, if any.)

a. Name of plaintiff: Donell Freeman

Address: 215 Burlington Rd Bridgeton N.J 08307

Inmate#: _____

b. First defendant:

Name: Mc Donnell, Kevin, MD

Official position: Physician

Place of employment: Middlesex County Correction Institution

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

He dictated and authenticated my X-RAY Report of Left hip. But fail to provide medical care, as I complain two years of pain and suffering as condition worsen. Failure to provide medical care, resulted in hip replacement, in South Woods.

c. Second defendant: medical Negligent (deliberate indifference)

Name: _____

Official position: _____

Place of employment: _____

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

Yes No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

I went down to medical for two yrs. complaining of the worsening condition, my meds was increase, but i trusted the assessment of doctors, and left it alone.

6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

ON 6-29-2015 i was brought from Bashore hospital, prior to my arrest in car crash. Then taken to County on charges. During that time i follow up in medical about my left leg pains i was given medication. Several months gone by and conditions worsen, eventually 12/02/2015 date of exam Hip X Ray is done. According to doctor, it was a fmctnnp healing

From past operated fracture where i had screw fixation. And I was given meds for the pain. But my walk began slowing down, and pain became so unbearable I could not stand, or lay on it. I ASK FOR A REFER TO ORTHO, OR OTHER TEST EXAM; which would give me more information concerning my hip. My leg at this point is going numb, a constant jerks. The DOCTORS CONTINUED DENIE ME, AND WOULD NOT REFER ADDITIONAL MEDICAL CARE. ALSO A CANE FOR MY DISABILITY. They told me the seen no need and my problem was not as severe. I CONTINUE TO ASK FOR HELP FOR 2 yrs. McDONNELL MD WAS GROSSLY NEGIGENT IN SUPERVISING SUBORDINATES WHO COMMITTED WRONG ACTS WHILE IN THEIR CAPACITY under COLOR OF STATE LAW DID VIOLATED MY 8TH AND 14TH Amend. The defendant created a policy or custom under which UNCONSTITUTIONAL PRACTICES OCCURRED OR ALLOWED THE CONTINUANCE OF SUCH POLICY. The defendant was deliberate indifference and medical neglect resulting in complete hip replacement.

My Surgeon report in OPERATING REPORT AND X-RAY my hip not only had severe Osteoarthritis, but was also subsequently dislocated. Prior to dislocating the hip a search was made anteriorly for the screw.

I knew I kept expressing pain. My surgeon express that he didn't see how I could even walk. I do have all his reports.

7. Relief

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

COMPENSATOR DAMAGES OF \$500,000 FOR physical, mental anguish, and emotion suffering, and medical Neglect resulting in complete hip replacement see ALSO MANDEL V DOD 888 F.2d 783, 787 (11th cir 1989).

~~SECRET~~
Statement of facts:

On 06-29-2015 i enter Monmouth County Jail. Prior to coming to jail, i got into car reck injuring pelvis area, and was arrested, but taken to Bay Shore hospital in Holmdel N.J.

Once escort to the County hrs latter that day, i did explain to medical what happened a follow up was order. Over the course of time, months latter, the pain worsen. The mobility and tightness of my left leg movement was impaired and it became very difficult to walk, sit and sleep. I could only stand for several minutes. Trying to attend church services, Bible study, school, NA, AA and other programs in the institution to assist me in my rehabilitation became unbearable, and impossible. Majority of C/O's and STAFF witness the pain and suffering as i walk, through the halls. Because there were moments i just had to stop for a moments rest. And the officer would let me. They felt grieve for my suffering.

On 12-02-2015 x-ray was taken. I was seen by a doctor who stated "He didn't see anything wrong" and prescribe pain meds. He said it's just a healed fracture, from an past operation. When i was 15 years, i had a screw put through my Femoral.

I ask that he run other test, or could something be done to operate on pt. I ask to be referred to Ortho or specialists. But he constantly denied me, multiple others slip i drop, to complain of pain worsening, i explain that i will be hear also, for up to two yrs do to my charges. But He specifically stated "He seen nothing to warrant other follow ups.

In April 2017, i got ship out here in South Woods And x-ray was done 4-06-2017 And on 12-12-2017, surgery was done for Hip Replacement

2054

The x-Ray's TAKEN IN THE COUNTY, and S.W.S.P
WERE MUCH SIMILAR, except that IT GOT WORSE FROM
HAVING TO WALK ON IT CAUSING MORE INJURY AND
PHYSICAL DAMAGES DO TO MEDICAL NEGLECT FROM
MONMOUTH COUNTY.

After reviewing all medical REPORTS, and
x-rays it's clear that Monmouth County was
deliberately Indifferent, and neglect their obliga-
tion. I send all medical reports with this
Claim for review.

My DAMAGE are (Medical Negligent) (Deliberate
indifference) (breach contract) (Medical deprave)
VIOLATION OF 8th and 14th Amend.

I Seek relief in Compensatory damages,
in past and future retribution of \$750,000

See Mandel v. Doe 888 F.2d 783, 787,
11th Cir 1989) \$500,000 for medical neglect
resulting in complete hip replacement.

Donald Feeman